

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

ROBERT E. WILSON,

Plaintiff,

Case No.: 3:13-CV-388

vs.

CITY OF DAYTON, *et al.*,

Defendants.

Judge Walter H. Rice

Magistrate Judge Michael J. Newman

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**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATION (DOC. #3)  
IN ITS ENTIRETY; OVERRULING PLAINTIFF'S OBJECTIONS (DOC. #4) TO THE  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (DOC. #3);  
DISMISSING WITHOUT PREJUDICE PLAINTIFF'S COMPLAINT (DOC. #2)  
PURSUANT TO 28 U.S.C. § 1915(e)(2)(B); TERMINATION ENTRY**


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Based upon the reasoning and citations of authority set forth by United States Magistrate Judge Michael J. Newman in his Report and Recommendation filed December 16, 2013 (Doc. #3), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court adopts the aforesaid Report and Recommendation in its entirety, and overrules Plaintiff's Objections (Doc. #4) thereto.

Plaintiff's complaint (Doc. #2) is dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B). If Plaintiff appeals this case to the Sixth Circuit Court of Appeals, he should be denied a certificate of appealability and leave to proceed *in forma pauperis*.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

January 2, 2014

  
WALTER HERBERT RICE, JUDGE  
UNITED STATES DISTRICT COURT